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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/818,170	03/27/2001	Mats Soderlind	34647-00431USPT	1896

7590 12/02/2003

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EXAMINER

GART, MATTHEW S

ART UNIT	PAPER NUMBER
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3625

DATE MAILED: 12/02/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/818,170

Applicant(s)

SODERLIND ET AL.

Examiner

Matthew s Gart

Art Unit

3625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 March 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

**Claim 7 is rejected under 35 U.S.C. 112 second paragraph.**

Referring to claim 7. Claim 7 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 7 recites the limitation "The system of claim 1, wherein the first layer supports MQ interfaces." Claim 1 does not recite a "first layer." There is insufficient antecedent basis for this limitation in the claim.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

**Claims 1-4 and 8 are rejected under 35 U.S.C. 102(a) as being anticipated by SEAGULL (PTO-892, Ref U).**

Referring to claim 1. SEAGULL discloses a system for enabling performance of electronic commerce transactions (abstract), comprising:

- A central controller for integrating a plurality of legacy systems together to enable an exchange of data relating to an electronic commerce transaction (SEAGULL,

Art Unit: 3625

paragraph 11, "We're excited to provide organizations with an astonishingly fast way to integrate e-business applications with back-office business functions."); and

- A plurality of APIs associated with the central controller for enabling communications between the central controller using a first protocol and the plurality of legacy systems using at least one different protocol (SEAGULL, paragraph 5, "This transforms legacy applications into a collection of shared services that are easily used by other applications inside and outside the organization"))

Referring to claim 2. SEAGULL further discloses a system wherein the central controller comprises:

- An application for implementing logic for performing the electronic commerce transaction between the controller and the plurality of legacy systems (SEAGULL, paragraph 2); and
- A database for storing data relating to the electronic commerce transaction (SEAGULL, paragraph 2).

Referring to claim 3. SEAGULL further discloses a system including an API controller for controlling conversions between the first protocol of the central controller and the at least one different protocol of the plurality of legacy systems (SEAGULL, abstract).

Referring to claim 4. SEAGULL further discloses a system wherein the plurality of APIs further comprises:

Art Unit: 3625

- A first layer for supporting the first communication protocol used by the central controller (SEAGULL, paragraph 8); and
- A second layer for supporting a second communication protocol used by a legacy system (SEAGULL, paragraph 8).

Referring to claim 8. SEAGULL further discloses a system wherein the plurality of legacy systems comprise at least one of business systems, presentation systems, identification systems and transaction systems (SEAGULL, paragraph 2).

Referring to claims 9-13. Claims 9-13 are rejected under the same rationale as set forth above in claims 1-4 and 8.

Referring to claims 17-20. Claims 17-20 are rejected under the same rationale as set forth above in claims 1-4 and 8.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 5-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over SEAGULL (PTO-892, Ref U) in view of MIDDLEWARE (PTO-892, Ref V).**

Referring to claims 5-7. SEAGULL discloses a system according to claim 4 as indicated supra. SEAGULL does not expressly disclose a system wherein the first layer supports CORBA, EJB, RMI, or MQ interfaces. MIDDLEWARE discloses a system wherein the first layer can support a plurality of different architectures, protocols and

Art Unit: 3625

networks (MIDDLEWARE, paragraph 4). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to have modified the system of SEAGULL to have included the limitations of MIDDLEWARE as discussed above in order to facilitate software that functions as a translation layer, sits between an application residing on one server and any number of clients that want access to that application (MIDDLEWARE, abstract).

Referring to claims 14-16. Claims 14-16 are rejected under the same rationale as set forth above in claims 5-7.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Shkedy, U.S. Patent No., U.S. 6,236,972, May 22, 2001, discloses a method and apparatus for facilitating transactions on a commercial network system.

"Vertex Industries Announces XML Interface to IBM MQ Series,"

Business/Technology Editors, Business Wire, New York, June 17, 1999, pg. 1

"Making the connection: Today's agents can intelligently blend the old with the new," David Pallmann, Unisys World, Austin, September 1999, Vol. 20, Iss. 9, pg. 1, 4 pgs

Art Unit: 3625

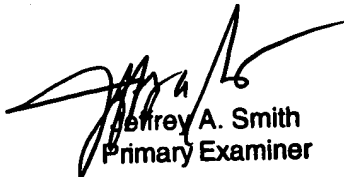
Any inquiry concerning this communication should be directed to Matthew Gart whose telephone number is 703-305-5355. This examiner can normally be reached Monday-Friday, 8:30AM-5:30PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ms. Wynn Coggins can be reached on 703-308-1344. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7239 for regular communications and 703-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

MSG

November 18, 2003



Jeffrey A. Smith  
Primary Examiner